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October 25, 2023

BY ECF
Hon. Jessica G. L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Koszkal v. Carney*, Case No. 1:23-cv-06439-JGLC

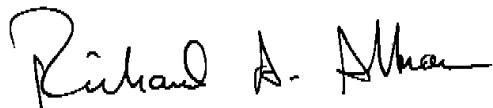
Your Honor:

I represent the plaintiff, and write regarding the Initial Pretrial Conference, presently set for November 2, 2023 at 12 noon. The defendant has filed a motion to dismiss the amended complaint, pursuant to Rules 12(b)(3) and 12(b)(6). The parties have agreed to a schedule for service of opposition and reply papers, and those dates are November 6 and 15 respectively. Because the motion is potentially dispositive, I would respectfully ask that the conference be adjourned without date, until after the motion has been decided. Alternatively, I would ask that it be set for any date after mid-November.

I would also respond to the Court's Civil Rule 3.c.i, regarding diversity jurisdiction. There appears to be no dispute that the parties are two individuals, that the plaintiff is a citizen of Connecticut, that the defendant is a citizen of New York, and that the amount in controversy exceeds \$75,000.

I appreciate the Court's attention.

Respectfully,



Richard A. Altman

Copy to
J. Morgan Levy, Esq.
by ECF